

REMARKS

Claims 1-42 remain pending in the present application. Applicant amends Claims 1, 2-4, 6, 7-12, 14-16, 17-23, 24, 29, and 37-40 to clarify claimed subject matter and/or correct informalities. The original specification and drawings support these claim amendments at least at pages 10, 11, 12, 20, 50-52 and in Figures 1, 4, 6, 8, 34, and 35. Therefore, these revisions introduce no new matter.

Claims 1-42 are for consideration upon entry of the present Amendment. Applicant requests favorable consideration of this response and allowance of the subject application based on the following remarks.

Previous Claims Rejections Under 35 USC § 112, 101, 102, and 103

Applicant appreciates Examiner Wei's withdrawal of the 35 U.S.C. § 112, 101, 102, and 103 rejections in the previous office Action.

§ 112 SECOND PARAGRAPH REJECTIONS

Claims 29-36 stand rejected under 35 U.S.C. § 112, as allegedly being indefinite. Applicant amends independent Claim 29 to clarify the subject matter. Dependent claims 30-36 depend directly or indirectly from independent Claim 29, and thus are allowable as depending from an allowable base claim. Applicant respectfully submits that these claims now comply with §112, and as a result the rejections are now moot. Applicant respectfully requests that the §112 rejections be withdrawn.

§ 101 REJECTIONS

Claims 1-13, 16-23, and 38 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant amends independent Claims 1, 6, 16, and 38 to clarify the subject matter. Dependent claims 2-5, 7-13, and 17-23 depend directly or indirectly from one of independent Claims 1, 6, and 16, respectively, and thus are allowable as depending from an allowable base claim. Applicant respectfully submits that these claims now comply with §101, and as a result the rejections are now moot. Applicant respectfully requests that the §101 rejections be withdrawn.

§ 102 REJECTIONS: A. AND B.

A. Claims 1-5 and 24-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,080,207 (Kroening). Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant has amended **independent Claim 1**, to clarify further features of the subject matter. Claim 1 now recites:

A system for generating configuration instructions to build a programmable machine, comprising:
a memory;
a processor coupled to the memory;
a build management logic configured to automate building by interacting with a library that is in a standardized and a generic form, wherein the generic form allows common building blocks to represent many different configuration options;
the library comprising:
a plurality of objects representing aspects of a configuration process for a specific collection of programmable machines; and

a plurality of parameters associated with respective objects, wherein at least one of the parameters includes an unspecified value for the generic form;

the plurality of objects having attributes of an internal identification assigned to an object, a name assigned to the object, a description of the object, a version number of the object, an individual authorized to perform action on the object, an ID assigned to an owner of the object, and a parent of the object;

the build management logic configured to specify a set of objects from the library to implement the configuration of the programmable machine, and to generate the configuration instructions from the set of objects;

the build management logic interacts with a database, wherein the database includes packages which are collections of objects in the database assembled to be transferred from a site to another site;

the build management logic interacts with a template storage providing templates, wherein the templates provide a skeleton representation of a machine or a group of machines and the templates may be exported and transferred to other sites to generate configuration instructions at the other sites;

wherein the build management logic is further configured to determine an unspecified value when generating configuration instructions for the specific combination of programmable machines;

the unspecified value is resolved by the build management logic looking to a next higher node in a site tree to determine whether that node can resolve the unspecified value;

the build management logic is further configured to provide a user interface to manage data assignment for the specific collection of programmable machines, wherein the user interface accepts input and returns output; and

an automatic purposing logic configured to provide functionality for manipulating a collection of scripts and associated parameters that are assembled to create the configuration instructions.

Applicant respectfully submits that no such system is disclosed by Kroening.

Kroening Fail to Disclose Recited Features

Kroening is directed towards a computerized system utilizing an image builder for creating a disk image of the desired software configuration (Abstract). Kroening describes customer's order into an order entry system to establish a bill of materials (col.

4, lines 11-12). Furthermore, the parameter values are received with the bill of materials (col. 4, lines 14-15). These features are not the same as “*the unspecified value is resolved by the build management logic looking to a next higher node in a site tree to determine whether that node can resolve the unspecified value*” as disclosed in Applicant’s amended Claim 1.

Therefore, Kroening fails to disclose “*the plurality of objects having attributes of an internal identification assigned to an object, a name assigned to the object, a description of the object, a version number of the object, an individual authorized to perform action on the object, an ID assigned to an owner of the object, and a parent of the object; the unspecified value is resolved by the build management logic looking to a next higher node in a site tree to determine whether that node can resolve the unspecified value; an automatic purposing logic configured to provide functionality for manipulating a collection of scripts and associated parameters that are assembled to create the configuration instructions*”, as recited in Applicant’s amended Claim 1.

Independent Claim 24 is directed to a method and is allowable for reasons similar to those discussed above with respect to Claim 1.

Dependent Claims 2-5 and 25-28 depend directly or indirectly from one of independent Claims 1 and 24, respectively, and are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those recited in Claims 1 and 24, are not disclosed by Kroening. As each and every element is not disclosed by Kroening, Applicant respectfully requests that the §102 rejections be withdrawn.

B. Claims 6, 8-13, 29 and 31-36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,430,609 (Dewhurst). Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant has amended **independent Claim 6**, to clarify further features of the subject matter. Claim 6 now recites:

A system for generating configuration instructions used to build a programmable machine, comprising:

a memory;

a processor coupled to the memory;

a build management logic configured to automate building by interacting with a library, wherein building blocks in the library form a hierarchical organization of objects that are representative of machines to be configured at a site;

the hierarchical organization of objects represents a relationship between different features of the machines, wherein a topmost object represents an aggregate of machines to be configured at the site;

the hierarchical organization of objects provides root objects for a root site, a collection of vendors, a collection of top level operating systems, and a collection of top level machine functions;

the library having building blocks to provide configuration instructions for a specific collection of machines, grouping the building blocks into different categories, objects pertaining to different available vendors, the objects pertaining to different operating systems, the objects pertaining to different machine functions, and the objects related to stages and phases involved in configuring machines;

the library having generic objects representing aspects of a configuration process, **wherein the generic form allows common building blocks to represent many different configuration options;**

a template providing a framework representing the programmable machine in combination with information in the library to reconstruct a description of the programmable machine;

the template providing a standardized framework for passing information from one machine to another; and

the template providing a pointer to a phase list so a receiving site can reconstitute phases based on a local library at the site;

the build management logic configured to generate the configuration instructions used to build the programmable machine by organizing the generic objects in the library based on the framework

established by the template; the build management logic configured to cull a subset of information from a database and organize information into a package to transfer from the site to another site;

the database stores a collection of objects that allow a user to manage parameter information;

the build management logic is further configured to provide a user interface displaying predetermined templates to accept input in response to the predetermined templates.

Applicant respectfully submits that no such system is disclosed by Dewhurst.

Dewhurst Fail to Disclose Recited Features

Dewhurst is directed towards accessing a master configuration file containing an array of configuration variables (Abstract). Dewhurst describes preselecting a subset of configuration variables from the array of configuration variables (col. 4, lines 36-40). Fig. 7 of Dewhurst illustrates how the variables are received and applied in steps 170 and 180. There is no mention or discussion in Dewhurst of the hierarchical organization of objects as disclosed in Applicant's amended Claim 6.

Therefore, Dewhurst fails to disclose *“the hierarchical organization of objects represent a relationship between different features of the machines, wherein a topmost object represents an aggregate of machines to be configured at the site; the hierarchical organization of objects provides root objects for a root site, a collection of vendors, a collection of top level operating systems, and a collection of top level machine functions; the generic form allows common building blocks to represent many different configuration options; the database stores a collection of objects that allow a user to manage parameter information”*, as recited in Applicant's amended Claim 6.

Independent Claim 29 is directed to a method and is allowable for reasons similar to those discussed above with respect to Claim 6.

Dependent Claims 8-13 and 31-36 depend directly or indirectly from one of independent Claims 6 and 29, respectively, and are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those recited in Claims 6 and 29, are not disclosed by Dewhurst. As each and every element is not disclosed by Dewhurst, Applicant respectfully requests that the §102 rejections be withdrawn.

§ 103 REJECTIONS: A., B., AND C.

A. Claims 15, 36, and 40-41 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,430,609 (Dewhurst). Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant has amended **independent Claim 15**, to clarify further features of the subject matter. Claim 15 now recites:

A computer readable storage medium having stored computer-executable instructions on a computing device, comprising:

a library having generic objects representing aspects of a configuration process; the library having building blocks to provide configuration instructions for a specific collection of machines, wherein the building blocks are grouped into different categories, objects pertaining to different available vendors, objects pertaining to different operating systems, objects pertaining to different machine functions, objects related to stages and phases involved in configuring machines;

a template defining specific information used to build a programmable machine, wherein the specific information provided by the template includes a reference to at least one generic object in the library;

a template providing a framework representing the programmable machine in combination with information in the library to reconstruct a description of the programmable machine;

the template providing a standardized framework for passing information from one machine to another; and

the template providing a pointer to a phase list so a receiving site can reconstitute phases based on the library at a site.

Applicant respectfully submits that no such computer-readable storage medium is disclosed, taught, or suggested by Dewhurst.

Dewhurst Fail to Disclose Recited Features

Dewhurst is directed towards accessing a master configuration file containing an array of configuration variables (Abstract). Dewhurst describes a template store in FIG. 8. The template store provides a library of preconfigured application available for modification and execution by the computational server 40 (col. 12, lines 6-10). There is no mention or discussion in Dewhurst of the template providing framework to pass information from one machine to another as disclosed in Applicant's amended Claim 15.

Furthermore, Dewhurst fails to disclose, teach, or suggest *“the template providing a standardized framework for passing information from one machine to another; and the template providing a pointer to a phase list so a receiving site can reconstitute phases based on the library at a site”*, as recited in Applicant's amended Claim 15.

Independent Claim 40 is directed to a computer readable media and is allowable for reasons similar to those discussed above with respect to Claim 15.

Dependent Claims 36 and 41 depend directly or indirectly from one of independent Claims 15 and 40, respectively, and are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those recited in Claims 15 and 40, are not disclosed, taught, or suggested by Dewhurst. Applicant respectfully requests that the §103 rejections be withdrawn.

B. Claims 7, 30, and 42 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,430,609 (Dewhurst) in view of U.S. Patent Application Publication No. 2004/0003388 (Jacquemot).

First, as explained above with respect to the rejection under §102 and with respect to the rejection under §103, Applicant submits that Dewhurst fails to disclose the features of independent Claims 6, 29, and 40. **Dependent Claims 7, 30, and 42** depend directly or indirectly from one of independent Claims 6, 29, and 40, respectively, and are allowable by virtue of this dependency. These dependent claims are also allowable for their own recited features that, in combination with those recited in Claims 6, 29, and 40, are not disclosed, taught, or suggested by Dewhurst and Jacquemot, alone or in combination.

Applicant agrees with the Office that Dewhurst fails to show the template is expressed in markup language and has a form defined by a schema (Office Action, pg. 15). However, Jacquemot fails to compensate for the deficiencies of Dewhurst. Rather, Jacquemont is directed towards configuring software for preparing a command file written using a single object-oriented programming language, XML (Abstract).

Insufficient Evidence to Suggest Reason to Modify References

Second, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness... KSR Int'l Corp. v. Teleflex, Inc., Slip Op. at 14 (U.S. Apr. 30, 2007) (quoting In re Kahn, 441 F.3d 977, 988 (CA Fed. 2006)). The Office stated the motivation for using XML to write template

files in Dewhurst is because XML is a simple, standard and flexible in use as described by Jacquemont (Office Action, pg. 15). Applicant respectfully disagrees and submits that this modification is not well reasoned, because there is nothing in either of the references that would suggest this reason. Jacquemont mentions XML is simple, standard and flexible in use. There, would be no reason to use Jacquemont to write template files in Dewhurst.

Furthermore, there is no articulated reason with some rational underpinning to support this rejection. Instead, the asserted reason relies on hindsight without evidence of articulated reasoning to propose the suggested modification. This rejection is improper for this additional reason. Consequently, Applicant respectfully submits that the claims are not obvious and requests that the §103 rejection be withdrawn.

Claims 14, 16-23, and 37-39

C. Claims 14, 16-23, and 37-39 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 7,152,109 (Suorsa). Applicant respectfully traverses the rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant has amended **independent Claim 14**, to clarify further features of the subject matter. Claim 14 now recites:

A system for generating configuration instructions to build a programmable machine, comprising:
a head-end site, including:
head-end logic configured to interact with a remote client site;
a central database coupled to the head-end logic, the central database containing at least one package that specifies configuration instructions, at least one package including:

- a plurality of objects representing aspects of a configuration process;
- a plurality of parameters associated with respective objects;
- at least one template for organizing the plurality of objects in accordance with a predetermined framework;
- the at least one template providing a standardized framework for passing information from one machine to another; and**
- the at least one template providing a pointer to a phase list so a receiving site can reconstitute phases based on a local library at the site;**
- a configuration site, including:
 - a local database for storing configuration instructions used to configure at least one machine associated with the configuration site;
 - logic configured to receive and store the at least one package in the local database;
 - the local database stores a collection of objects that allow a user to manage parameter information;**
 - the local database granting rights to access, modify and transfer any information stored in the local database to different respective user groups; and**
 - logic configured to generate configuration instructions used to configure at least one programmable machine based on the at least one package;
 - the head-end site provides web pages to assist in retrieving a resource;
 - wherein a group of interrelated machines may be built by downloading one or more packages from one site to another site;
 - wherein the configuration of the machines may be changed by loading another package to generate new configuration instructions for dissemination to the machines.

Applicant respectfully submits that no such system is disclosed by Suorsa.

Suorsa Fails to Disclose, Teach or Suggest Building a Programmable Machine, web pages, one site to another site

Suorsa is directed towards provisioning of servers and other computing devices that provide support for sites hosted on the Internet, intranets, and other communication networks (col. 1, lines 14-17). Figure 7 of Suorsa shows the functions are to maintain information about all of the devices and to store and provide the software that is loaded

on these devices (col. 9, lines 46, 49-51). These features are not the same as generating configuration instructions to build a programmable machine, head-end site for web pages resources, and from one site to another site as described in Applicant's amended Claim 14.

Thus, Suorsa fails to disclose, teach or suggest *“the at least one template providing a standardized framework for passing information from one machine to another; and the at least one template providing a pointer to a phase list so a receiving site can reconstitute phases based on a local library at the site; the local database stores a collection of objects that allow a user to manage parameter information; the local database granting rights to access, modify and transfer any information stored in the local database to different respective user groups; logic configured to generate configuration instructions used to configure at least one programmable machine based on the at least one package; wherein a group of interrelated machines may be built by downloading one or more packages; wherein the configuration of the machines may be changed by loading another package; the head-end site provides web pages to assist in retrieving a resource; downloading one or more packages from one site to another site; the configuration of the machines may be changed by loading another package to generate new configuration instructions for dissemination to the machines.”*, as recited in Applicant's amended Claim 14.

Independent Claims 16 and 37 are directed to a system and a method, and each is allowable for reasons similar to those discussed above with respect to Claim 14.

Dependent Claims 17-23 and 38-39 depend directly or indirectly from one of independent Claims 16 and 37, respectively, and are allowable by virtue of this

dependency. These claims are also allowable for their own recited features that, in combination with those recited in Claims 16 and 37, are not disclosed by Suorsa. As each and every element is not disclosed, taught or suggested by Suorsa, Applicant respectfully requests that the §103 rejection be withdrawn.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103(a) rejection of these claims should be withdrawn.

CONCLUSION

For at least the foregoing reasons, Claim 1-42 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.**

Respectfully Submitted,

Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201

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By: /Shirley Lee Anderson/
Shirley Lee Anderson
Reg. No. 57,763
(509) 324-9256 ext. 258